

which they dispose of their estates, are laws which they are allowed to make, and which are not to be altered even by the king in his courts of law or conscience. (b)

It has been held in England, that a private act of parliament which had been obtained by fraudulent suggestions, or by a suppression of the truth, might, on that ground alone, be relieved against by any court of law or equity in which the fraud could be fully and clearly shewn. As was done in a case in the High Court of Chancery of England, before our revolution, in which an act of the legislature of the then province of Pennsylvania was, about the year 1725, set aside on the ground of its having been obtained by fraudulent suggestions. (c) And so too, in some other cases, where private acts had been passed by the parliament of England, upon false suggestions, they were, upon that ground alone, vacated by the Court of Chancery on a bill filed by the party grieved. (d)

It seems to be generally admitted, in England, that the rehearsal or recital of general and public facts and circumstances in a statute cannot be denied; such as the rehearsal in the statute *de donis* of what was the common law before the passing of that act, (e) or the recital in a statute, that great outrages had been committed in a certain part of the country; and that therefore the statute was

(b) *Cary v. Bertie*, 2 Vern. 337; *Wright v. Simpson*, 6 Ves. 731; *Kendall, Ex parte*, 17 Ves. 525; *Sumner v. Powell*, 2 Meriv. 30.

(c) *Penn v. Baltimore*, 1 Ves. 454; 5 Cruise Dig. tit. 33, 5, 50.—*Francis Fane*, counsel to the board of trade, in his opinion given to that board, on the 3d of March, 1725, respecting an act passed by the General Assembly of Jamaica to foreclose a mortgage, says: 'I think, in general, that such laws would be greatly dangerous, and that the legislature should rarely interfere in matters of private right, without the greatest necessity; but, I cannot see any great inconvenience in this case, but rather a necessity indeed, for passing the law,' &c. After which he proceeds further to say, that 'Mr. West, in his report upon this matter, is of opinion, that all facts alleged in the colony bills must be taken to be true. This rule may, generally, be true; but I think, in adversary bills of this nature, which are only the party's own state of the case, this rule should not be extended further than the particular facts mentioned; but, I apprehend, it ought not to be presumed, that every thing is fully stated, and that all facts and circumstances are disclosed, that are necessary to give a perfect insight into the merits of the bill; for though the facts alleged may be true, yet other facts may be sunk, which may alter the case, and defeat the allegations of the bill; neither do I think it safe to argue from the analogy and reason of penal laws in the plantations, to a bill of this kind; because rules of state policy are no proper measure to adjust private property.' 2 Chalmer's Opin. Em. Lawyers, 8, 10, 41; *Partridge v. Dorsey*, 3 H. & J. 307, note; *Owings v. Speed*, 5 What. 420.

(d) 5 Cruise Dig. tit. 33, s. 51, 53; 2 Blae. Com. 345.—(e) *Co. Litt.* 19.